

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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BULLION EXCHANGE LLC,

Plaintiff,

Case No.: 2:24-cv-467 (DG)(JMW)

- against -

**DECLARATION OF EKATERINA
OVODOVA IN OPPOSITION TO
PLAINTIFF'S MOTION**

**BULLION SHARK, LLC and EKATERINA
OVODOVA,**

Defendants.

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EKATERINA OVODOVA, declares, pursuant to 28 U.S.C. §1746, under penalty of perjury,
that the following is true and correct:

1. I am the named Defendant in the above-entitled matter.
2. I submit this Declaration in Opposition to Plaintiff's Motion for an Order Temporarily Restraining and Preliminary Enjoining Defendants from using, disseminating, or otherwise benefitting from Plaintiff's Trade Secrets and Turning Over and Destroying all Copies of Plaintiff's Trade Secrets.
3. I worked for Bullion Exchange LLC ("Bullion Exchange") for approximately nine (9) years.
4. In or about February 2015, I began working for Bullion Exchange in their Shipping Department.
5. I was later promoted to the Graphic Design Department in or about January 2017

as Head of Graphic Design.

6. On or about December 29, 2018, I was once again promoted to the position of Director of Marketing.

7. As Director of Marketing, I was responsible and oversaw an entire marketing team.

8. My position as Director of Marketing heavily focused on Search Engine Optimization (“SEO”) and advertisements.

9. My daily activities included, but not limited to, preparing product images for websites, video production, social media, SEO, website analysis, E-Mail and SMS marketing, marketing initiatives, product licensing, coin design, communication with technician IT teams, and hosting meetings.

10. My focus was on bullion while employed at Bullion Exchange.

11. Even though Bullion Exchange carries some rare coins, it was not their main source of business.

12. In or about July 2023 I began looking for a new job.

13. In or about July 2023 I began researching other positions looking for new challenges in my career and a new work environment.

14. I was initially contacted by a recruiter from Candidate Labs Inc. (“Candidate Labs”) on or about August 9, 2024.

15. The recruiter informed me about a position at Bullion Shark, LLC (“Bullion Shark”), and he inquired whether I would be interested in interviewing with them.

16. I began researching Bullion Shark and I learned from their website that they carried minimal bullion listings, most of the items being sold at Bullion Shark I had never seen before. Bullion Shark carried collectible biblical coins, shipwreck coins and overall, their catalog included

rare items to be sold at auctions.

17. I informed the recruiter that I was interested in interviewing with Bullion Shark.

18. Even though I did not execute any non-compete agreements with Bullion Exchange, I wanted to make sure that I was not going to work for a direct competitor.

19. My resume was provided to Candidate Labs, and I had an initial call with a recruiter.

20. Shortly thereafter an interview was scheduled with Bullion Shark.

21. On or about August 23, 2023, a virtual initial interview took place with Nick and Andrew Adamo from Bullion Shark for their Head of eCommerce position.

22. During the initial interview I inquired whether Bullion Shark sells bullion, as I had seen from my own research that they sold a few items, and I wanted to know how much of their focus was dedicated to bullion sales.

23. I was informed during my initial interview that bullion was not a focus of Bullion Shark and that they concentrated primarily on collectible items.

24. Nick and Andrew requested that I provide them with additional information on regarding what I would be able to do for the company if I were to be hired.

25. They requested that I provide them with an action plan presentation that would benefit their company generating new leads from websites, optimizing advertisements, SEO, optimizing existing channels for social media and increasing conversion rates for prospective customers.

26. It was clear from my interview that Nick and Andrew understood and valued Key Performance Indicators (“KPI”).

27. KPI provides a focus for strategic and operational improvement and creates an

analytical basis for decision making and strategy.

28. From my initial meeting with Nick and Andrew I also understood that they were looking for someone they could trust and who could be a leader for their marketing team.

29. I was truly excited about their vision for the company, and we decided to schedule a further interview.

30. I was later contacted by Candidate Lab's and they requested that I prepare an action plan presentation for Bullion Shark based on their current web presence. They told me not to go overboard just to provide an overall 30/60/90 action plan regarding how I can assist Bullion Shark to achieve their goals.

31. Upon information and belief, on August 24th and August 25th, I accessed a copy of a personal spreadsheet that I had created to assist in my preparation of the presentation to Bullion Shark.

32. I believe there are were two such copies of the same or similar spreadsheet. One copy was for my own personal use wherein I took notes, the other spreadsheet was to be shared with Ernest Gozenput ("Eric") and my staff.

33. Bullion Exchange has called this spreadsheet its Proprietary Marketing Plan. *See Exhibit 1.*

34. In truth, the spreadsheets and the data derived therein was utilized mostly by me and was never shared with anyone at Bullion Shark.

35. The spreadsheets do not represent any strategy whatsoever, it was created for the sole purpose to provide Eric the structure of Bullion Exchange's marketing department. The spreadsheet is comprised of generic search terms, keywords and data which are all derived from online websites and tools from Ahrefs, Semrush and Similarweb.

36. Eric never really paid any attention to this spreadsheet until I left his employ.

37. I believe another copy of the spreadsheet was created and shared with Eric and other people within the marketing department around the same time that had similar data and was prepared for the sole purpose to train staff and contains information of staff and for which departments. The spreadsheet was prepared to keep things organized with Bullion Exchange so that everyone knew their role at Bullion Exchange.

38. These spreadsheets were created around the time that I wanted to look for new employment opportunities.

39. Upon information and belief, Eric never accessed this shared spreadsheet. I recall that when I have my notice to Eric, I had requested to go over the spreadsheet with him, but he never found the time. It consists of mainly my notes.

40. I used a couple of screenshots from my spreadsheet for the Marketing Plan Presentation.

41. On August 25, 2024, I sent a Marketing Plan Presentation to be presented to Bullion Shark. *See* Marketing Plan Presentation at **Exhibit 2**.

42. The action plan presentation, which I labeled as the Marketing Plan Presentation contained information relating to brand overview and goals, key performance indicators, an action plan on how to achieve a 25% quarterly growth rate by the end of 2023, a list of marketing channels and optimization. *See* aforementioned **Exhibit 2**.

43. The data and toolsets utilized to prepare the Marketing Plan Presentation was from websites that contain public information such as Ahrefs, Semrush and Similarweb, to name a few.

44. Ahrefs, Semrush and Similarweb are data aggregating companies specializing in web analytics, web traffic and performance. These companies provide tools for link building,

keyword research, competition analysis, rank tracking and site audits.

45. Many companies utilize SEO tools such as Ahrefs, Semrush and Similarweb to analyze, generate increased web traffic and to achieve higher google rankings.

46. Similarweb is a free public online service. There is also a paid service, which Bullion Exchange never paid for.

47. Ahrefs is a \$199 a month SEO platform, that has basic SEO information and is utilized by a vast majority of companies for marketing purposes. All companies have access to this data.

48. None of the information contained in my Marketing Plan Presentation contained *any* proprietary information or trade secrets from Bullion Exchange.

49. I never shared any information from the spreadsheet, which Bullion Exchange called its Proprietary Marketing Plan, with Bullion Shark, and Bullion Shark never requested that I do so.

50. It was important for me to show loyalty towards Bullion Exchange as they had provided me with a great opportunity in my budding career.

51. In fact, the only information that was used to prepare my Marketing Plan Presentation was from my own personal copy of the spreadsheet and I only used two (2) screenshots. *See Exhibit 2.*

52. On or about September 1, 2023, I was provided an offer of employment by Bullion Shark as Head of eCommerce. I accepted the offer and began my employment with Bullion Shark on September 18, 2023.

53. The only thing left was my background check, which finally cleared on September 6, 2023.

54. I do not recall if I e-mailed myself the customer lists on September 6, 2023, but I know at some point I did download the customers lists because I was working with a co-worker, Dima Skuratov, on programming an AI Chat Bot for the benefit of Bullion Exchange.

55. The customers lists were important because we were training the AI Chat Bot for customer service.

56. I have gone back through my personal e-mails, and I do not have a copy of the customer list which was purportedly sent on September 6, 2023. This was deleted from my personal e-mail account and from my work e-mail account.

57. I never provided the customer lists to anyone at Bullion Shark or anyone else for that matter.

58. I never attempted to access the customer lists, nor utilized any of the information for my own business or personal use.

59. The following day, on September 7, 2023, I informed Eric that I was resigning from Bullion Exchange effective September 15, 2023. Mr. Gozenput asked me where I was going to work. I declined to inform him that I was going to work at Bullion Shark. I did divulge to Eric that the new company that I was going to work for was in the same industry, but that they were not a direct competitor.

60. With my prior experience at Bullion Exchange and with Eric, he did not take lightly when employees left his company. Sometimes when given two (2) week notice, Eric would tell transitioning employees to pack up belongings on the same day and to leave.

61. I also did not tell Eric that I was going to Bullion Shark because I feared that he may retaliate against me leaving and call someone at Bullion Shark which could jeopardize my new employment.

62. It was and still is my understanding that Bullion Shark is not a direct competitor to Bullion Exchange.

63. Bullion Shark's business model is focused on the sale of rare and vintage coins while Bullion Exchange sales are focused on the sale of bullion.

64. Bullion Shark has an entirely completely different business model and caters to niche clientele.

65. It is my understanding that Bullion Exchange's core business model is to make physical silver and gold more affordable.

66. Bullion Exchange's marketing strategy screams "Lowest Prices for Gold & Silver". This "motto" has been the focus of Bullion Exchange's marketing campaigns.

67. The core customers who purchase from Bullion Exchange value price above all. The focus of Bullion Exchange's marketing is getting its consumers the lowest prices.

68. Bullion Exchange's focus is on investment bullion whereas Bullion Shark's focus is on coins for niche collectors.

69. Bullion Shark is consistently adding rare coins and makes sure to showcase those specific items with a unique story.

70. Although these rare coins do appreciate in value, they are not for investment purposes and are mainly for collectors.

71. I have reviewed my spreadsheets, which Eric and Bullion Exchange calls its Proprietary Marketing Strategy, and I did not, nor could I access it on October 1, 2024, nor on October 5, 2024.

72. I do not recall if I had made changes from "Bullion Exchange" to "Sharks" in the tab. I do not believe that I did so. Without access to these spreadsheets I cannot see which

revisions were made and when.

73. Regardless, there is absolutely no information on this spreadsheet that could benefit Bullion Shark.

74. Regarding the reasoning for my deletion of e-mails, web-history and the deleted spreadsheets I had done so because I did not want to confuse any new employee who would be taking over my position when I left Bullion Exchange.

I declare under penalty of perjury that the foregoing is true and corrected. Executed on April 5, 2024.

DocuSigned by:
EKATERINA OVODOVA
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EKATERINA OVODOVA